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Co-Counsel for Debtors and

Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

APPLICATION FOR ORDER SHORTENING TIME PERIOD FOR NOTICE

TO THE HONORABLE VINCENT F. PAPALIA, UNITED STATES BANKRUPTCY JUDGE:

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) by and through their undersigned counsel request that the time period to notice a hearing on the *Debtors’ Motion for Entry of an Order (I) (A) Conditionally Approving the Adequacy of the Disclosure Statement, (B) Approving the Solicitation and Notice Procedures with Respect to Confirmation of the Plan, (C) Approving the Forms of Ballots and Notices in Connection Therewith, (D) Scheduling a Combined Disclosure Statement Approval and Plan Confirmation Hearing and Certain Dates and Deadlines with Respect Thereto, and (E) Granting Related Relief, and (II) (A) Extending the Debtors’ Exclusive Periods to File a Chapter 11 Plan and Solicit Acceptances Thereof Pursuant to Section 1121 of the Bankruptcy Code and (B) Granting Related Relief* (the “Motion”),² as required by Fed. R. Bankr. P. 2002 be shortened pursuant to Fed. R. Bankr. P. 9006(c)(1), and respectfully submit:

1. A shortened time hearing is requested because: As more fully set forth in the Motion, just over three months from the commencement of these chapter 11 cases, the Debtors propose a Plan that reflects hard-fought, arm’s-length negotiations with their key stakeholders. The Plan, which coalesces critical support from the UCC and the DIP Lenders, contemplates the continued wind-down of the Debtors’ estates, offering significant recovery for Holders of Claims against the Debtors. The Debtors believe that proceeding on shortened notice to approve the Motion on a **conditional** basis so they may commence solicitation is in the best interests of the estates. Moreover, proceeding swiftly and expeditiously with the confirmation timeline contemplated in the Motion will reduce administrative expense fees associated with a prolonged stay in chapter 11 and therefore maximize value for the estates.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

2. The Debtors remain mindful of the expedited timeline of these Chapter 11 Cases, as mandated by the milestones agreed to in the Final DIP Order and the budget governing the funding of these cases. Failure to meet such milestones would constitute an event of default under the DIP Facility, which would allow the DIP Lenders to enforce remedies, including declaring all DIP Obligations owing under the DIP Documents to be immediately due and payable, as more fully set forth in the Final DIP Order and the DIP Documents.

3. The Debtors do not believe that any party will be prejudiced by the shortened notice for a hearing, as the Court would only be *conditionally* approving the Disclosure Statement, and parties-in-interest will have the ability to object to final approval of the Disclosure Statement and confirmation of the Plan at the Combined Hearing. Moreover, the Debtors, the DIP Lenders, and Committee have come to agreement regarding the terms of the Disclosure Statement and the relief requested in the Motion will therefore be fully consensual and unopposed with respect to the Debtors' largest stakeholders. Lastly, the Debtors previewed this application with the U.S. Trustee, who has expressed support of the request set forth herein.

4. State the hearing dates requested: The Debtors respectfully request that the Court hear the Motion on August 1, 2023, at 2:30 p.m. (E.T.).

5. Reduction of the time period is not prohibited under Fed. R. Bankr. P 9006(c)(2).

WHEREFORE, the Debtors respectfully request entry of the proposed order shortening time, in substantially the form submitted herewith, granting the relief requested herein and such other relief as is just and proper under the circumstances.

Dated: July 21, 2023

/s/ Michael D. Sirota

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